

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA

CRIMINAL NOS. CR03-3089

CR03-3090

CR03-3091

versus

LEE BOYD MALVO, Defendant

**SENTENCING ORDER
JURY TRIAL**

Hearing Date: **March 10, 2004**

FEDERAL INFORMATION PROCESSING
STANDARDS CODE: **059**

Judge: **JANE MARUM ROUSH**

This case came before the Court for sentencing of the Defendant, who appeared in person with his Attorneys, Michael S. Arif, and Craig S. Cooley. The Commonwealth was represented by Robert F. Horan, Jr. and Raymond F. Morrogh. The Defendant appeared while in custody.

On December 18, 2004, the Defendant was found guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR03-3089	CAPITAL MURDER (F)	10/14/02	18.2-31(13)
CR03-3090	CAPITAL MURDER (F)	10/14/02	18.2-31(8)
CR03-3091	USING A FIREARM IN THE COMMISSION OF A FELONY (F)	10/14/02	18.2-53.1

The pre-sentence report was considered and is ordered filed as a part of the record in this case in accordance with the provisions of Code §19.2-299.

There are no applicable discretionary sentencing guidelines or guideline worksheets in this case.

Before pronouncing the sentence, the Court inquired if the Defendant desired to make a statement and if the Defendant desired to advance any reason why judgment should not be pronounced.

In accordance with the verdicts rendered by the Jury, the Court **SENTENCED** the Defendant to:

Incarceration. Incarceration with the Virginia Department of Corrections for the term of **life imprisonment** on the charge of Capital Murder in the commission of an act of terrorism.

Incarceration with the Virginia Department of Corrections for the term of **life imprisonment** on the Capital Murder charge of killing more than one person within a three-year period.

Incarceration with the Virginia Department of Corrections for term of **three (3) years** on the charge of Using a Firearm in the Commission of a Felony. The total sentence imposed is **two terms of life imprisonment plus three (3) years**.

Fine. The Court also imposed a fine of \$100,000.00 on each of the Capital Murder charges, for a total of \$200,000.00. Judgment shall be entered in favor of the Commonwealth of Virginia against the Defendant, Lee Boyd Malvo, in the amount of \$200,000.00 for the fines imposed in this case.

Costs. The Defendant shall pay all costs of this case.

Credit For Time Served. The Defendant shall be given credit for time spent in confinement while awaiting trial pursuant to §53.1-187 of the 1950 Code of Virginia, as amended.

Appeal Rights. The Court advised the Defendant of his right to appeal from the sentence imposed, including the right to have an attorney appointed for him and to have the attorney's fees, costs, and expenses in connection with an appeal paid for him in the event he is financially unable to pay. It is **ORDERED** by the Court that in the event the Defendant or his Counsel files a notice of appeal, the transcript is to be prepared and is made a part of the record in this case.

Court Appointed Counsel Fee. Michael S. Arif and Craig S. Cooley, Attorneys at Law, who were appointed to represent the Defendant in this case, were allowed to submit monthly fees as provided in §19.2-163 of the 1950 Code of Virginia, as amended.

The Defendant was remanded to the custody of the Sheriff.

Entered on March 10, 2004.

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JANE MARUM ROUSH
JUDGE DESIGNATE

DEFENDANT IDENTIFICATION:

Alias: a/k/a John Lee Malvo

SSN: None

DOB: 02/18/85

SEX: Male

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: Two terms of life imprisonment plus three (3) years

TOTAL SENTENCE SUSPENDED: NONE